

RECEIVED

SEP 20 2006

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

DOCKETED COMPLAINT NO.
06-134

BRENT MICHAEL KITCHENS
TX-1333723-L

§
§
§
§
§
§
§

FINAL ORDER

In accordance with the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq. ("the Act"), the Texas Appraiser Licensing and Certification Board ("TALCB") has filed an Original Statement of Charges against Brent Michael Kitchens, based upon his failure to cooperate with TALCB's investigation and respond and provide documentation related to the above-noted complaint. James Fletcher, TALCB Administrative Law Judge ("ALJ") now enters this final order in accordance with 22 TEX. ADMIN. CODE § 157.15 and TEX. OCC. CODE §§ 1103.508(b) and 1103.518.

I. DISCUSSION

1. Petitioner properly served Respondent with an Original Statement of Charges and Notice of Hearing in accordance with TEX. OCC. CODE §§ 1103.502-1103.503 and 22 TEX. ADMIN. CODE § 157.9. The allegations related to violations of TALCB's rules.
2. Based upon Respondent's failure to appear and answer Petitioner's allegations and Petitioner having established jurisdiction and sufficient evidence of notice to Respondent, the ALJ rendered a default judgment against Respondent and hereby enters the foregoing order.

II. FINDINGS OF FACT

3. On Monday, September 11th, 2006 at 9:00 a.m. ALJ James Fletcher convened the hearing on this matter in Austin, Texas at the offices of the Texas Appraiser Licensing and Certification Board located at 1101 Camino La Costa, Austin, Texas 78752. The hearing concluded, and the record closed on that same day.
4. Petitioner, the Enforcement Division of TALCB was represented by Troy Beaulieu who appeared on behalf of TALCB and announced ready.
5. Brent Michael Kitchens ("Respondent") failed to appear and failed to answer the allegations Petitioner asserts in the Original Statement of Charges, nor has he filed any responsive pleading whatsoever.
6. Respondent held and currently holds license number TX-1333723-L as a Texas state licensed real estate appraiser during all times material to Petitioner's allegations.
7. On or about May 5th, 2006, and in accordance with TEX. OCC. CODE § 1103.451, TALCB received a consumer complaint against Respondent from Jeff Dickstein, an employee of People's Choice Home Loan, Inc.
8. The complaint related to a real property appraisal performed by Respondent on 914 Main Street, Unit 911, Houston, Texas 77002. The complaint alleges that Respondent produced an inflated appraisal that contained misrepresentations.
9. On or about May 24th, 2006, Respondent was notified of the complaint and given an opportunity to respond and provide certain requested documentation (i.e. Respondent's work file, his appraisal report, his written response to the complaint and a listing of his appraisal coursework) to Petitioner. Respondent received

notice of the complaint on June 1st, 2006. A second written notice forwarded to Respondent on June 21st and multiple phone calls transpired between Petitioner and Respondent, all reminding Respondent of his obligations under the Act and TALCB rules to provide the material. Despite all these requests, no response was ever received from Respondent and Respondent failed to provide the requested documentation.

10. On or about August 7th, 2006 Petitioner forwarded a Notice of Hearing along with a copy of this Original Statement of Charges to Respondent by certified mail in accordance with TEX. OCC. CODE §§ 1103.502-1103.503 and 22 TEX. ADMIN. CODE § 157.9.

III. CONCLUSIONS OF LAW

11. TALCB has jurisdiction of this case under the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.451-1103.5545.
12. Petitioner provided Respondent the requisite notice of hearing and statement of charges under Tex. Occ. Code §§ 1103.502-1103.503 and 22 TEX. ADMIN. CODE § 157.9.
13. Respondent has disregarded or violated a provision of the Act or the rules promulgated by TALCB by failing to answer inquiries and provide certain documents related to the foregoing complaint within 20 days of notice despite multiple requests that he promptly do so as required by 22 TEX. ADMIN. CODE § 153.22.

IV. ORDER

14. Based upon the foregoing findings of fact and conclusions of law, Respondent Brent Michael Kitchens' license (TX-1333723-L) as a Texas state licensed real estate appraiser is hereby revoked. This revocation shall take effect (50) fifty days after the date of entry of this order.

15. All other relief not specifically granted in this order is denied. This order is final for purposes of appeal.


James Fletcher, Administrative Law
Judge for the Texas Appraiser Licensing
and Certification Board

Signed this 20th day of September 2006.